

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ADAPTIX, INC.**

§

**v.**

§

**No. 6:12cv22**

**ALCATEL-LUCENT USA, INC. , AND §  
AT&T MOBILITY LLC**

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**ADAPTIX, INC.**

§

**v.**

§

**No. 6:12cv122**

**ALCATEL-LUCENT USA, INC. AND §  
CELLCO PARTERSHIP d/b/a  
VERIZON WIRELESS §**

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**ADAPTIX, INC.**

§

**v.**

§

**No. 6:12cv123**

**ALCATEL-LUCENT USA, INC. AND §  
SPRINT SPECTRUM L.P.**

**ORDER**

The Court currently has these cases scheduled for a combined pretrial conference before Judge Craven July 9-10, 2015 and for separate jury selections July 20, 2015. Before the Court is Defendants' Motion to Continue July 20, 2015 Trial Setting (Dkt. No. 362). According to Defendants, they are willing to waive their rights under 35 U.S.C. § 299 in the above cases only and consent to consolidation for trial in November when their witnesses are available. Defendants

submit that having one consolidated trial in November would be more convenient for the witnesses and more efficient than having multiple separate trials beginning in July.

Plaintiff opposes Defendants' motion, arguing these cases were the first ones filed involving the base station patents and should be tried before the later-filed Ericsson case (6:12-cv-369), which is set for jury selection in late August. According to Plaintiff, Defendants are "trying to reverse the order of trial and go after Ericsson, thus having two bites at the validity apple." (Dkt. No. 363 at 2).

In order for the Court to fully consider this issue, it finds a reply and surreply would be beneficial. Specifically, the Court would like additional briefing on the prejudice, if any, Plaintiff would suffer if the Ericsson case was tried first. Accordingly, it is

**ORDERED** that on or before June 8, 2015 at 8:30 a.m., Defendants shall file a reply brief, not to exceed five substantive pages. It is further

**ORDERED** that on or before June 12, 2015 at 8:30 a.m., Plaintiff shall file a surreply brief, not to exceed five substantive pages.

**SIGNED this 3rd day of June, 2015.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE